

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BRENDAN WELCH, and WELCH RACING  
LLC,

Plaintiffs,

vs.

DOUBLE 00 SHITSHOW, JEREMY  
JOEHRKE LEHRKE, SHAWN STOUGARD,  
AMANDA LYNN, STEVEN ANDREW  
WALKER, REBECCA WALKER, JUSTIN  
GUND, NICK SMITHBERG, ASHTON  
PREMER, JEREMY MILLER, CHRIS  
KUNSHIER, PATRICK SHAWN ROETTO,  
RUSSEL GINGER, BRANDI  
FRAUENDORFER, TIM NICHOLSON, and  
STEVEN WALKER,

Defendants.

**8:23CV318**

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff's Motion for Leave to Appeal in Forma Pauperis. [Filing No. 21](#). Plaintiff filed a Notice of Appeal, [Filing No. 20](#), on September 11, 2023. Plaintiff appeals from the Court's Memorandum and Order and Judgment dated September 8, 2023, Filing Nos. [18](#) & [19](#), in which the Court dismissed this matter without prejudice.

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed in Forma Pauperis . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court--before or after the notice of appeal is filed--certifies that the appeal is not taken in good faith or

finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding . . . .

The Court finds that because Plaintiff proceeded IFP in the district court, he may now proceed on appeal in forma pauperis without further authorization.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Leave to Appeal in Forma Pauperis, [Filing No. 21](#), is granted.

Dated this 13th day of October, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon  
Senior United States District Judge